

CHAPTER 38
SEX OFFENDER MANAGEMENT AND TREATMENT

201—38.1(692A,903B) Application of rules. The following rules apply to sex offender registration and hormonal intervention therapy.

201—38.2(692A,903B) Definitions.

“Hormonal intervention therapy” means a comprehensive treatment program inclusive of education, counseling, and pharmaceutical applications to control sexual deviant behavior.

“Risk assessment” means a comprehensive assessment of an offender’s potential risk to the community.

“Serious sex offense” means a criminal offense as defined in 1998 Iowa Acts, Senate File 2398, section 21, subsection 4.

“Sexual offense” means a criminal offense as defined in Iowa Code Supplement section 692A.1 as amended by 1998 Iowa Acts, Senate File 2292.

201—38.3(692A) Sex offender risk assessment.

38.3(1) Risk assessment. The department of corrections, department of human services, and department of public safety, division of criminal investigation, in consultation with one another, shall utilize a risk assessment instrument designated by the department of corrections. The risk assessment instrument is designed to determine one of two risk levels for the purpose of community notification: The assessed offender is “low risk” to the community; or the assessed offender is “at risk” to the community.

38.3(2) Agency responsibility. The department of corrections, department of human services, and the division of criminal investigation of the department of public safety shall complete the risk assessment on all offenders under each agency’s authority in accordance with the requirements of Iowa Code section 692A.12(6) as amended by 1998 Iowa Acts, Senate File 2292.

38.3(3) Other offenses considered for assessment. Other criminal offenses may be considered if the specific circumstances of the offense(s) support the conclusion that the offense in any manner was sex related. Offenses involving a minor victim not included within the definition of “sexual offense” will also be considered. Any doubtful or questionable circumstances shall be referred to the department of public safety sex offender registry program for assistance.

38.3(4) Public notification. Affirmative public notification procedures are published in department of public safety rules 661—paragraph 8.304(1) “c.”

38.3(5) Training requirements. All agency personnel conducting sex offender risk assessments shall complete the training program as developed and provided cooperatively by the responsible agencies.

38.3(6) Reporting requirements. Assessment completion and reporting results to the department of public safety sex offender registry program shall be fulfilled within 45 days of anticipated release or supervision placement.

38.3(7) Records maintenance.

a. Original sex offender registration and risk assessment documents shall be sent to the department of public safety sex offender registry program.

b. Copies of the sex offender registration and risk assessment documents shall be permanently maintained in the offender master file maintained by the reporting agency.

38.3(8) Additional rules. Additional department of public safety rules are published in 661—Chapter 8, Division III.

201—38.4(903B) Hormonal intervention therapy.

38.4(1) *Affected offenders.* All offenders convicted of a “serious sex offense” in which the victim was a child who, at the time the offense was committed, was 12 years of age or younger; or offenders convicted of a second or subsequent offense may be required to undergo hormonal intervention therapy as ordered by the court or board of parole in accordance with the provisions of 1998 Iowa Acts, Senate File 2398, section 21.

38.4(2) *Agency responsibility.* The department of corrections, judicial districts’ departments of correctional services, and the board of parole responsibilities are defined in 1998 Iowa Acts, Senate File 2398, section 21.

38.4(3) *Assessment of affected offenders.*

a. Psychosexual assessment. A psychosexual assessment shall be conducted on all “affected” offenders, as a part of the presentence investigation (PSI) prior to sentencing or upon entry into judicial district department of correctional services supervision or institutional placement.

(1) The psychosexual assessment shall be conducted by or under the direction of:

- A licensed psychologist; or
- A person specifically trained and experienced in the professional administration, scoring and interpretation of psychological tests (graduate level coursework in testing and assessment); or
- A staff member that meets the experience and educational requirements of the Iowa department of personnel or Iowa community-based corrections psychologist classification.

(2) The psychosexual assessment shall include:

- Tests of emotional and mental stability.
- I.Q. to measure capability.
- Measure of denial of deviant sexual characteristics.
- Polygraphy by July 1, 1999.
- Plethysmography (optional).

(3) The assessment shall follow the department of corrections standardized format and shall include a determination as to the need and effectiveness of hormonal intervention therapy as well as treatment recommendations.

b. Medical assessment. If hormonal intervention therapy is recommended as an appropriate treatment component, the offender shall receive a medical assessment to determine biological factors as related to hormonal intervention therapy.

38.4(4) *Pharmaceuticals and distribution.* The director of corrections may contract the purchase and distribution process to reduce pharmaceutical costs and ensure effective distribution and management of all pharmaceuticals related to the hormonal therapy program.

38.4(5) *Educational/treatment programming.*

a. Hormonal intervention therapy is to be utilized in conjunction with a sex offender educational/treatment program (SOTP). The offender should be involved in concurrent cognitive-behavioral treatment. In all cases where the treatment plan includes hormonal therapy, the plan shall also include monitoring and counseling.

b. All institutional or community-based corrections SOTP programs shall meet Iowa board for the treatment of sexual abusers (IBTSA) standards by July 1, 1999.

38.4(6) Application of hormonal therapy.**a. Utilization of hormonal therapy.**

(1) Therapy shall utilize medroxyprogesterone acetate (MPA) or other approved pharmaceutical agents.

(2) Therapy shall be initiated as soon as reasonably possible after the offender is sentenced.

1. If the offender is incarcerated within a local jurisdiction (jail, residential facility), the judicial district department of correctional services shall coordinate initiation of treatment prior to the release of the offender from custody.

2. If the offender is incarcerated within the department of corrections, initiation of treatment shall be determined by department of corrections medical staff.

(3) Requests for hormonal therapy by the offender when the aforementioned criteria are not met shall be reviewed for consideration by the agency of jurisdiction.

(4) At any time during the course of supervision, the agency of jurisdiction may conduct a reassessment to determine if hormonal therapy should be considered or reconsidered as part of the treatment plan.

b. Monitoring/termination of hormonal therapy.

(1) Monitoring. The agency of jurisdiction shall continue to monitor the offender's therapy throughout the offender's confinement or supervision. The agency of jurisdiction may adjust medication, initiate other medication, or continue prescribed therapy with medical approval.

(2) Termination. Hormonal therapy may be discontinued only by the medical authority, with consent of the supervising officer. Termination requires a reassessment conclusion that the therapy has been determined ineffective or is no longer necessary.

38.4(7) Offender fees. Offenders are required to pay a reasonable fee for the costs related to hormonal therapy. Offender fees shall be based on the offender's ability to pay as determined by the supervising office.

38.4(8) Maintenance/transfer of records. Offender file information shall be available and shared upon request between responsible agencies including court of jurisdiction.

These rules are intended to implement Iowa Code Supplement chapter 692A as amended by 1998 Iowa Acts, Senate File 2292, and 1998 Iowa Acts, Senate File 2398, section 21.

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CHAPTER 39**Reserved**